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Art Unit: 2683

In the Claims:

1. (currently amended) A method for use by an access point in a wireless networking communications environment for selecting a channel, the method comprising the steps of:
 - scanning a plurality of radio frequency channels during a scan interval;
 - monitoring each of the scanned channels for indication of utilization of ones of the channels receiving messages from other access points on the plurality of radio frequency channels during the scan interval;
 - maintaining a channel map having an entry for each of the plurality of radio frequency channels, and if one or more messages was received on a channel, the corresponding entry further including an AP-ID for at least one of the access points that sent a message on the channel;
 - selecting a channel from the channel map based at least in-part on whether an indication of utilization of the selected channel was detected;
 - prior to utilizing the selected channel for normal communications, transmitting messages on the selected channel during a claim interval, at least one message indicative of an intent to utilize the selected channel;
 - monitoring, receiving messages from other access points on the selected channel during the claim interval, for a message from another device indicative of an intent to utilize the selected channel; and
 - ascertaining whether the access point apparatus should commence communications with other wireless devices on the selected channel based upon characteristics of the any messages received on the channel.

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2. (currently amended) The method of claim 2 1 wherein the step of maintaining a channel map further includes the step of storing a power level for each AP-ID for each entry in the channel map, and wherein the step of selecting a channel from the channel map selects a channel having either no AP-ID or an AP-ID that has the lowest stored power level.

3. (currently amended) The apparatus of claim 3 wherein the step of ascertaining whether the access point apparatus should commence communications with other wireless devices on the selected channel based upon characteristics of the messages received on the selected channel comprises the step of:

evaluating the power level of messages received on the selected channel, and if the power level of messages received on the selected channel is below a threshold, the step of ascertaining indicates that the access point apparatus should commence communications with other wireless devices on the selected channel.